

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 15, 2019

The West Orange Zoning Board of Adjustment held a regular meeting on August 15, 2019 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairman Neuer announced that a digital tape recording system is being utilized to record the proceedings of the meeting and instructed the general public on how the audio of the proceedings may be reviewed or obtained.

Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

PRESENT: J. Eben, D. Gabry, P. Neuer, L. Phillips, B. Quentzel, J. Redwine
W. Steinhart, M. Straker, M. Sussman

ABSENT: I. Schwarzbaum (excused)
A. Weiss (excused)

ALSO PRESENT: Paul Grygiel, Consulting Planning Director for the Township
John Hess, Consulting Engineer for the Township
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
Harvey Grossman, Esq., Public Advocate

ANNOUNCEMENTS

Future Meetings: September 19, 2019 (regular meeting)
October 17, 2019 (regular meeting)
November 21, 2019 (regular meeting)

MINUTES

July 18, 2019 (regular meeting)

Chairman Neuer stated that the draft minutes from the July 18, 2019 regular meeting were circulated to all of the Board Members.

Chairman Neuer said that he submitted his comments for these minutes and asked if any Board Member had any additional comments; there were none.

All Board Members were in favor of the adoption of the July 18, 2019 regular meeting minutes as submitted to them; none were opposed.

It was noted for the record that Mr. Redwine was not present for the July 18, 2019 meeting and Mr. Steinhart was not present for the first half of the July 18, 2019 meeting and they did not vote on these minutes.

July 25, 2019 (special meeting)

Chairman Neuer stated that the draft minutes from the July 25, 2019 special meeting were circulated to all of the Board Members.

Chairman Neuer said that he submitted his comments for these minutes and asked if any Board Member had any additional comments; there were none.

All Board Members were in favor of the adoption of the July 25, 2019 special meeting minutes as submitted to them; none were opposed.

It was noted for the record that Ms. Phillips and Mr. Steinhart were not present for the July 25, 2019 special meeting and did not vote on these minutes.

SWEARING IN

Paul Grygiel, Consulting Planning Director for the Township and John Hess, Consulting Engineer for the Township, were sworn under oath.

RESOLUTIONS

1. ZB-17-11/Youssef, Inc.

Approved 7/18/19

Block: 111; Lot: 1.06; Zone: B-2

438 Eagle Rock Avenue

Seeking a 'd' variance and "c" variances to permit the construction of a convenience store and other changes to the site.

Chairman Neuer stated that this resolution was circulated to all of the Board Members and that this version included comments from himself.

Chairman Neuer asked if any Board Member had any other comments; there were none.

Chairman Neuer made a motion to adopt the resolution as submitted and Ms. Gabry seconded the motion.

The vote was as follows:

Eben:	-	Steinhart:	Recused
Gabry:	Yes	Straker:	-
Phillips	Yes	Sussman:	-
Quentzel:	Yes	Weiss:	-
Redwine:	-	Chairman Neuer:	Yes
Schwarzbaum:	-		

APPLICATIONS

1. ZB-18-09/555 Northfield Avenue, LLC

Carried from 7/25/19

Block: 168; Lots: 26 & 28; Zone: B-2

555 Northfield Avenue

Seeking “d” variance for building height and “c” variances to construct a luxury apartment complex and daycare center.

EXHIBITS

- A-1 - Sheet 2 of the site plans with a revision date of 2/15/19
- A-2 – Colorized version of sheet 4 of the site plan with a revision date of 2/15/19
- A-3 – Map of building heights dated 1/21/19
- A-4 – Fire truck turning analysis dated 2/15/19
- A-5 – Garbage truck turning analysis dated 2/15/19
- A-6 – Landscape Plan; drawing #6 with a revision date of 2/19/19
- A-7 – Shade Study dated 12/15/19
- A-8 – Sheet A-4 of the Primrose School exterior elevations dated 11/15/18
- A-9 – Sheet A-1.4 of the Primrose School floor plans dated 11/15/18
- A-10 – Relocated Child Care Study dated 6/7/19
- A-12 – Material Board
- A-13 – Artistic renderings – four (4) renderings (A to D)
- A-13-E – Artistic rendering of the rear of the West Village apartment building
- A-14 – List of Projects completed by Harold Maltz
- A-15 – Revised architectural floor plans Sheets Sheet A-03, A-04, A-05 & A-06 dated 8/14/19.
- A-16 – Revised architectural elevation plans Sheets C-01, A-01, A-01.1 & A-02 dated 8/14/19
- A-17 – Revised elevation massing redline overlay Sheet A-01-R dated 8/14/19
- A-18 – Sheet 4 of the site plan with a revision date of 8/5/19

Chairman Neuer stated for the record that Board Members Mr. Steinhart and Ms. Phillips have signed certifications that they have listened to the audio recording of the special Zoning Board meeting that was held on July 25, 2019, that they did not attend, at which this application was heard. He stated that they can participate and will be eligible to vote should this matter should be concluded tonight.

Robert Williams, Esq., attorney for the applicant, approached the podium.

Mr. Williams stated that since the last meeting held on July 25, 2019 the applicant has made some changes to the plans and that their engineer, Mr. Lanzafama, will provide testimony at this meeting detailing the changes being proposed.

Mr. Williams said at the last meeting their traffic engineer, Harold Maltz, provided testimony; he said that tonight he is here to answer any of the questions the members of the public may have regarding his testimony.

Mr. Williams called Harold Maltz who continued under oath. Chairman Neuer asked if any members of the public had any questions for Mr. Maltz.

The following members of the public asked Mr. Maltz questions regarding his testimony from the July 25, 2019 meeting:

Joel Goldstein residing at 299 St. Cloud Avenue asked Mr. Maltz if guest spots were included in his parking calculations; he said yes.

Mr. Goldstein asked Mr. Maltz if the driveway on St. Cloud Avenue will have any impact on the area; he said no.

Mr. Goldstein asked Mr. Maltz how many parking spaces will there be for the child care staff; he said twenty four (24).

Mr. Goldstein asked Mr. Maltz if any adjustments were made to the retail space parking; he said there are thirty seven (37) shared parking spaces.

Mr. Goldstein asked Mr. Maltz to explain how the children would be dropped off in the morning at the child care facility; he referred to Exhibit A-2 and complied.

Mr. Goldstein asked Mr. Maltz if they would recommend installing "do not block intersection" signs; he said yes.

Laura Koch residing at 19 Sheridan Avenue asked Mr. Maltz how parking will be enforced; he said there will be signage enforcing specific times to park.

Ms. Koch asked Mr. Maltz where the handicap spaces were located on the site; he referred to Exhibit A-2 and delineated on the plan where the handicap spaces were located.

Charlotte Westcott residing at 346 St. Cloud Avenue asked Mr. Maltz if he included summer time traffic in his traffic counts; he said the summer time zoo hours do not coincide with the child care or grammar school traffic and does not impact peak hours.

Andrea Schoenberger residing at 39 Oak Crest Road asked Mr. Maltz if his parking study included parking for the employees of the child care; he said yes both staff and parent parking.

Claire Silvestri residing on Grand View Avenue asked Mr. Maltz if his traffic study took into consideration the traffic on St. Cloud Avenue; he said he does not think St. Cloud Avenue is a feasible route for entering the site.

Christine Bosco residing at 4 Mason Place asked Mr. Maltz if his traffic study included Sheridan

Avenue; he said yes and that there will not be any additional traffic added to Sheridan Avenue from this site.

Robert Rashkes residing at 35 Oak Crest Road asked Mr. Maltz if they are proposing any sidewalks or crosswalks on Northfield Avenue; he said they are proposing a crosswalk on Northfield Avenue.

Mr. Rashkes asked Mr. Maltz if he witnessed anyone jaywalking across Northfield Avenue during his traffic study; he said he saw a couple of zoo employees cross Northfield Avenue where there was no crosswalk.

There were no further questions for Mr. Maltz.

Mr. Williams called his next witness.

Michael Lanza fama approached the podium and was sworn under oath.

Mr. Lanza fama was accepted at the May 16, 2019 meeting as an expert Licensed Professional Engineer and presented sheet 4 of the site plan with a revision date of 8/5/19.

Mr. Lanza fama referred to Exhibit A-18 and detailed the changes stating that they rotated the child care building with the entrance to this building facing Northfield Avenue.

Mr. Lanza fama stated that the setbacks were changed in the play area and detailed the variance changes.

Mr. Lanza fama stated that they are proposing one hundred fifty-six (156) parking spaces; seventy-eight (78) in a secured area and seventy-eight (78) in an outside secure area.

Mr. Lanza fama addressed the following items in the revised memo dated 8/13/19 from CME Engineering:

- Items #1 to 5 – will comply
- Item #6 – revised plans will show the correct access of the two parking spaces in question
- Item #7 – Total number of parking spaces one hundred fifty-six (156)
- Item #8 – no key reader for the gated entrance in the back of the building
- Item #9 – they will reach a consensus as to where the handicap spaces will be located
- Item #10 – will add the site triangle to the plans
- Items #11 & 12 – will comply
- Item #13 – No need to extend the sidewalk to the easterly and northerly door.
- Items #14 to 17 – will comply
- Item #18 – waiver granted for the minimum level of illumination for the parking area
- Items #19 to 25 – will comply
- Item #26 – will grant easement to the Township
- Items #27, 28, 29 – will comply
- Item #30 – will correct the discrepancies in the Storm Water Management Report
- Item #31 – Vehicle turning movement plan was submitted
- Items #32, 34 & 35 – will comply
- Item #33 – will comply

Mr. Lanza fama addressed the issues in Mr. Grygiel's revised memo dated 8/12/19 and stated that they will comply.

Mr. Eben asked Mr. Lanza fama if they are still going to run a camera through the storm water

pipe to determine the condition of it; he said yes.

Chairman Neuer noted the time and stated that this application will be carried over to the next meeting to be held on September 19, 2019 and no further notice will be necessary.

Chairman Neuer called for a recess at 9:30 pm.

Chairman Neuer resumed the meeting at 9:37 pm.

2. ZB-19-01/Marsella

Block: 44.02; Lot: 76; Zone: R-5

130 Walker Road

Seeking two (2) 'c' variances for side and rear setbacks to replace an existing deck with a pergola.

EXHIBITS

A-1 – Aerial view of the site – Sheet A-4 dated 5/1/19

A-2 – Colorized Survey of Property/Neighbors Property/Floor Plan

A-3 - Proposed deck & covered porch drawings – Sheet A-2 dated 5/1/19

A-4 – Proposed deck & covered porch renderings – Sheet A-3 dated 5/1/19

Brian Marsella, applicant, approached the podium along with his architect, Tiina Vaka; both were sworn under oath.

Ms. Vaka detailed her educational and professional background as a Professional Architect licensed in the State of New Jersey.

Chairman Neuer accepted Ms. Vaka as an expert in architecture.

Ms. Vaka stated that the applicant is seeking a side and rear yard variance to replace an existing deck with a pergola.

Ms. Vaka presented Sheet A-4 of an overview of the neighborhood, dated 5/1/19, that was marked as Exhibit A-1 for identification and detailed it.

Ms. Vaka presented a colored survey of the applicant's property and the neighbor's property that was marked as Exhibit A-2 for identification and detailed it.

Ms. Vaka presented Sheet A-2 of a large scale of the site showing a drawing of the proposed deck and covered porch, dated 5/1/19, that was marked as Exhibit A-3 for identification and detailed it.

Ms. Vaka presented Sheet A-3 showing colored renderings of the proposed covered deck, dated 5/1/19, that was marked as Exhibit A-4 for identification and detailed it.

Mr. Marsella stated that they will be replacing the existing fence with a six (6) foot high PVC fence.

Chairman Neuer advised Mr. Marsella that he will have to apply for a fence permit.

Chairman Neuer asked Mr. Marsella if the forty-four (44') foot tree in the yard is being

preserved; he said no it was already removed.

Ms. Gabry asked Mr. Marsella if he is replacing the siding on the house; he said no.

Ms. Gabry asked Mr. Marsella what materials they will be on the patio; he said brick pavers.

Mr. Quentzel asked Mr. Marsella if he would consider installing solar panels; he said he cannot answer that right now.

Mr. Eben stated that the skylights in the roof should be raised to prevent leakage.

Mr. Sussman asked Mr. Marsella what materials they are using on the wall; he said stone. He said the fireplace has a gas insert.

Fernando Gonzalez approached the podium and was sworn under oath. He stated that he lives at 128 Walker Road and he is in favor of this application.

There were no further questions and Chairman Neuer closed the hearing.

Chairman Neuer stated that the applicant met the positive and negative criteria and made a motion to approve the application with the condition that the applicant install a six (6') foot high fence in the area indicated subject to getting a permit and that the leaders and gutters are to be shown on the plan.

Chairman Neuer stated that revised plans must be submitted at least ten (10) days before the September 19, 2019 meeting.

Mr. Eben seconded the motion to approve with said conditions.

The vote was as follows:

Eben:	Yes	Steinhart:	Yes
Gabry:	Yes	Straker:	-
Phillips	Yes	Sussman:	-
Quentzel:	Yes	Weiss:	-
Redwine:	Yes	Chairman Neuer:	Yes
Schwarzbaum:	-		

3. ZB-19-06/Gross

Block: 101.02; Lot: 24.02; Zone: R-1

15 Elm Court Way

Seeking (2) "c" variances for the rear and side setback to construct a pool House and a garage to their existing home.

EXHIBITS

A-1 – Architectural Plans – four (4) sheets dated 5/13/19

A-2 – Conceptual rendering dated 8/15/19

Chairman Neuer stated for the record that the proof of publication that was submitted was a printed on-line document and not the actual notarized proof of publication from the Star Ledger. He said that the issue is that if the application was not noticed correctly, the Board does not have jurisdiction to hear this application.

Chairman Neuer stated that what was submitted is evidence that the publication was made and the application can be heard with the agreement that the notarized proof of publication must be submitted. He said if this application is approved and the proper proof of publication is not submitted then it will become void.

Chairman Neuer asked Mr. Veteri, attorney for the applicant, if he would like to continue with the meeting aware of the jurisdictional issue; he replied yes.

John Veteri, Esq., attorney for the applicant, approached the podium.

Mr. Veteri detailed the application stating that his client is proposing an addition to their home by constructing a pool house and a two car garage on their property which requires a variance for the rear and side yard setback.

Mr. Veteri called his first witness.

Dan D'Agostino approached the podium and was sworn under oath. He detailed his educational and professional background as a Professional Architect licensed in the State of New Jersey.

Mr. Eben asked Mr. D'Agostino if he has a certificate of authorization; he replied yes.

Chairman Neuer accepted Mr. D'Agostino as an expert in architecture.

Mr. D'Agostino presented the four (4) page site plan that was marked as Exhibit A-1 for identification and detailed it. He stated that the property is two and a half (2 ½) acres and the applicant is proposing to construct a pool house with a two (2) car garage.

Mr. D'Agostino stated that the pool house will have a kitchenette but there will not be a stove. He said it will have a lounge area, a changing room, an outdoor shower and a washer and dryer.

Mr. D'Agostino said that two (2) cars will be parked inside the garage but they may tandem park two (2) more cars in the driveway. He said that the area above the garage will be for storage.

Mr. D'Agostino presented colored renderings of the proposed pool house and the garage that was marked as Exhibit A-2 for identification and detailed it.

Mr. Eben referred to the area above the garage and stated that there was not a second floor plan in the application package.

Chairman Neuer advised Mr. Veteri that the Board cannot approve a plan that has a staircase shown and no plan to show how that area is going to be used. He said that the plan has to show a cross section with height dimensions on it.

Mr. Quentzel asked Mr. D'Agostino what the area behind the garage will be used for; he said storage for patio and lawn furniture.

Mr. Quentzel asked Mr. D'Agostino if they are going to show any mechanicals on the plans; he said yes they will do that.

Mr. Steinhart stated that he would also like to see additional details for the first and second floor of the garage. He said that the plans currently show a two (2) car garage but Mr. D'Agostino testified that they might tandem park two cars in the driveway and he would also like to see that on the plans.

Chairman Neuer stated that if the applicant would like the garage to be a four (4) car garage then the plans must show that; he also said that the plans must show that the area above the garage is to be used solely for storage.

Mr. Sussman asked Mr. D'Agostino what the overhead door in the back by the outdoor shower will be used for; he said so they can bring large patio furniture and umbrellas in and out.

Mr. Redwine asked Mr. D'Agostino if the pool is existing or proposed; he said existing and delineated the location of the pool on the site plan.

Ms. Gabry asked Mr. D'Agostino if there is a patio between the pool and the pool house; he said yes.

There were no further questions for Mr. D'Agostino from any of the Board Members, the Board Professionals or members of the public.

Mr. Veteri called his next witness.

Jeff Egarian approached the podium and was sworn under oath.

Mr. Egarian detailed his educational and professional background as a Professional Engineer licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Egarian as an expert in professional engineering.

Mr. Egarian referred to the site plan and detailed what is being proposed.

Mr. Egarian referred to the CME report dated 7/23/19 and addressed comment #5 and stated that they will amend the plans to reflect that the drainage system design is adequate.

Chairman Neuer asked Mr. Hess if he had any objections to the list of waiver requests listed in his report; he said the only waiver he does object to is for soil conservation.

Chairman Neuer stated that all waiver requests in the CME report dated 7/23/19 from A to R are granted except the soil conservation and the drainage calculation (H) waiver requests.

Mr. Steinhart asked Mr. Egarian if tract one and tract two combined are the 2.5 acres; he said yes.

Chairman Neuer stated that it appears both lots were combined at one time and asked the applicant if he receives one (1) or two (2) tax bills; he said one.

Mr. Steinhart asked if everything shown on the plans is the entire 2.5 acres; he said yes.

Mr. Quentzel asked Mr. Egarian where the detention basin is located on the plans; he referred to the site plan and delineated where the sub-surfaced detention basin will be placed. Mr. Egarian said it will be grassed over and will not be visible.

There were no further questions for Mr. Egarian from the Board Members, the Board Professionals or members of the public.

Mr. Veteri stated that they will re-submit revised plans, as required, along with the notarized proof of publication before they return with their Planner, Mr. Steck. Chairman Neuer informed Mr. Veteri that the entire September 19, 2019 meeting has been promised to another applicant so that they can finish up with that application.

Chairman Neuer asked Mr. Veteri if they would agree to come back at the October 17, 2019 meeting; he said yes.

Chairman Neuer stated that this application will be carried over to the October 17, 2019 meeting and that no further notice will be required.

The meeting was adjourned by Chairman Neuer at 10:50 pm.

Adopted: September 19, 2019



Rose DeSena, Board Secretary